



Governor
Janet Napolitano

**ARIZONA BOARD OF OSTEOPATHIC EXAMINERS
IN MEDICINE AND SURGERY**

9535 EAST DOUBLETREE RANCH ROAD
SCOTTSDALE, ARIZONA 85258-5572
PH (480) 657-7703 | FX (480) 657-7715
www.azdo.gov | questions@azdo.gov

Board Members

David M. Steinway, D.O., Pres.
Stanley J. Grossman, V.P.
Douglas Cunningham, D.O.
Arlene England, D.O.
Jon B. Fiegen
Mary Ann Picardo, D.O.
Scott Steingard, D.O.
Executive Director
Elaine LeTarte

**DRAFT MINUTES OF THE PUBLIC BOARD MEETING
OF THE ARIZONA BOARD OF OSTEOPATHIC
EXAMINERS IN MEDICINE AND SURGERY**

Saturday, January 10, 2009

BOARD MEMBERS PRESENT: President David Steinway, D.O., Mr. Stanley Grossman, Douglas Cunningham, D.O., Arlene England, D.O. Mr. Jon B. Fiegen, Mary Ann Picardo, D.O., Scott Steingard, D.O.

STAFF / OTHERS PRESENT: Elaine LeTarte, Executive Director
Barbara Meyers, Deputy Director
Barbara Prah, D.O., Medical Consultant
Beverly Alfson, Business/Licensing Manager
John O'Hair-Schattenberg, Investigator
Blair C. Driggs, Assistant Attorney General
Carol Whipple, Certified Court Reporter

1. CALL TO ORDER

The Board President, Dr. David Steinway, called the meeting to order at 8:03 a.m.

2. ROLL CALL AND REVIEW OF AGENDA

The Executive Director took the roll. The Board Members listed above were present, establishing quorum for the meeting.

3. PRESIDENT'S REPORT AND CALL TO THE PUBLIC

- A. Dr. England welcomed the 3rd year Medical Students – Arizona College of Osteopathic Medicine at Midwestern University and Kirksville College of Osteopathic Medicine at A.T. Stills University
- B. Dr. England stated that the Board's custom is to ask members of the public to speak when the agenda item of interest to the person is called. If you want to address the Board on an issue not on the agenda, you will be asked to speak prior to the adjournment. All people wishing to speak should fill out a speaker form and give it to a staff member.

4. REVIEW, CONSIDERATION AND APPROVAL OF MINUTES

- A. Open Session Minutes November 15, 2008

MOTION: Dr. Steingard moved to accept the minutes. Mr. Grossman seconded.

VOTE: Motion passed 7-0.

5. REVIEW, DISCUSSION, AND ACTION ON CASE REVIEWS OF ALLEGATIONS OF UNPROFESSIONAL CONDUCT A.R.S. § 32-1855 (C through F).

The Board will review the Consent Agenda as a whole. If an individual appears for any case or at the request of a Board member(s), the matter will be heard separately.

Case Reviews Consent Agenda:

B.	Douglas Bobb, D.O.	Case No. DO-08-4116	License No. 1990
C.	Frank Paul, D.O.	Case No. DO-08-4100	License No. 3473
F.	Iris Sadowsky, D.O.	Case No. 4046	License No. 4189
G.	Tahirih Jensen, D.O.	Case No. DO-08-4077	License No. 3985

MOTION: Mr. Grossman moved for **DISMISSAL**. Dr. Picardo seconded.

	Vote	Dr. Steinway	Mr. Grossman	Dr. Cunningham	Dr. England	Mr. Fiegen	Dr. Picardo	Dr. Steingard
YES	7	X	X	X	X	X	X	X
NO	0							
ABSTAIN	0							
ABSENT	0							

ROLL CALL VOTE: Motion passed 7-0.

The following cases were pulled from the Consent Agenda:

A.	Kristy Herbst, D.O.	Case No. DO-08-4130	License No. 4419
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Dr. Herbst was present and answered all questions posed by the Board.

MOTION: Dr. Steingard moved for **DISMISSAL**. Dr. Cunningham seconded.

	Vote	Dr. Steinway	Mr. Grossman	Dr. Cunningham	Dr. England	Mr. Fiegen	Dr. Picardo	Dr. Steingard
YES	5			X	X	X	X	X
NO	2	X	X					
ABSTAIN	0							
ABSENT	0							

ROLL CALL VOTE: Motion passed 5-2.

D.	Richard Emerson, DO.	Case No. 3970	License No. 1082
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The complainant was present and answered all questions posed by the Board.

MOTION: Dr. Steinway moved for an **INVESTIGATIVE HEARING**. Dr. Steingard seconded.

VOTE: Motion passed 7-0.

E.	John Serrano, D.O.	Case No. DO-08-4121A	License No. 3865
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The complainant was present and answered all questions posed by the Board.

MOTION: Dr. Picardo moved for an **INVESTIGATIVE HEARING**. Dr. England seconded.

VOTE: Motion passed 7-0.

Case Reviews:

H. Neil Superfon, D.O. Case No. 4039 License No. 0754

Dr. Superfon was present with Counsel Kraig Marton. Office staff also appeared on behalf of Dr. Superfon. The complainant was present. The case was reviewed and all questions posed by the Board were answered.

MOTION: Dr. England moved for **DISMISSAL**. Dr. Cunningham seconded.

	Vote	Dr. Steinway	Mr. Grossman	Dr. Cunningham	Dr. England	Mr. Fiegen	Dr. Picardo	Dr. Steingard
YES	7	X	X	X	X	X	X	X
NO	0							
ABSTAIN	0							
ABSENT	0							

ROLL CALL VOTE: The motion passed 7-0.

I. Abdulrahman Qabazard, D.O. Case No. 3990 License No. 1723

Dr. Qabazard was present and answered all questions posed by the Board.

MOTION: Dr. England moved for an **INVESTIGATIVE HEARING**. Dr. Cunningham seconded.

VOTE: The motion passed 7-0.

J. Steven Traikovich, D.O. Case No. DO-08-4086 License No. 3330

MOTION: Dr. Steingard moved for **DISMISSAL**. Dr. England seconded.

	Vote	Dr. Steinway	Mr. Grossman	Dr. Cunningham	Dr. England	Mr. Fiegen	Dr. Picardo	Dr. Steingard
YES	7	X	X	X	X	X	X	X
NO	0							
ABSTAIN	0							
ABSENT	0							

ROLL CALL VOTE: The motion passed 7-0.

K. Robert Lock, D.O. Case No. 3993 License No. 2523

MOTION: Dr. England moved for **DISMISSAL**. Dr. Cunningham seconded.

	Vote	Dr. Steinway	Mr. Grossman	Dr. Cunningham	Dr. England	Mr. Fiegen	Dr. Picardo	Dr. Steingard
YES	7	X	X	X	X	X	X	X
NO	0							
ABSTAIN	0							
ABSENT	0							

ROLL CALL VOTE: The motion passed 7-0.

L. Leroy Kareus, D.O. Case No. DO-08-4089 License No. 1093

Dr. Kareus was present with Counsel Robert Bohm. The case was reviewed and all questions posed by the Board were answered.

MOTION: Mr. Fiegen moved for **DISMISSAL**. Dr. Cunningham seconded.

	Vote	Dr. Steinway	Mr. Grossman	Dr. Cunningham	Dr. England	Mr. Fiegen	Dr. Picardo	Dr. Steingard
YES	7	X	X	X	X	X	X	X
NO	0							
ABSTAIN	0							
ABSENT	0							

ROLL CALL VOTE: The motion passed 7-0.

M. Estelle Farrell, D.O. Case No. DO-08-4084 License No. 3223

Dr. Farrell was present with Counsel David Marhoffer. The case was summarized by John O'Hair-Schattenberg, Investigator. All questions posed by the Board were answered.

MOTION: Dr. Steinway moved for a **LETTER OF CONCERN** pursuant to A.R.S. § 32-1854: 28 for failure to provide medical records in a timely manner. Mr. Grossman seconded.

	Vote	Dr. Steinway	Mr. Grossman	Dr. Cunningham	Dr. England	Mr. Fiegen	Dr. Picardo	Dr. Steingard
YES	5	X	X	X		X	X	
NO	2				X			X
ABSTAIN	0							
ABSENT	0							

ROLL CALL VOTE: The motion passed 5-2.

N. Sepian Chiang, D.O. Case No. 3945A License No. 3880

MOTION: Dr. Steingard moved for an **INVESTIGATIVE HEARING**. Dr. Cunningham seconded.

VOTE: The motion passed 7-0.

O. John Belden, D.O. Case No. 3945B License No. 1645

Attorney Robert Bohm appeared on Dr. Belden's behalf.

MOTION: Mr. Grossman moved for an **INVESTIGATIVE HEARING**. Dr. Steingard seconded.

VOTE: The motion passed 7-0.

P. Paul Blumberg, D.O. Case No. 3983 License No. 1597

The complainant was present with a friend.

MOTION: Dr. Steingard moved for an **INVESTIGATIVE HEARING**. Mr. Grossman seconded. The Board directed staff to obtain a copy of the state regulations for free standing surgical centers.

VOTE: The motion passed 7-0.

Q. Tahirih Jensen, D.O. Case No. 4041 License No. 3985

Dr. Jensen was present.

MOTION: Dr. Steingard moved for **DISMISSAL**. Dr. Cunningham seconded.

	Vote	Dr. Steinway	Mr. Grossman	Dr. Cunningham	Dr. England	Mr. Fiegen	Dr. Picardo	Dr. Steingard
YES	7	X	X	X	X	X	X	X
NO	0							
ABSTAIN	0							
ABSENT	0							

ROLL CALL VOTE: The motion passed 7-0.

R. Jay Schwartz, D.O. Case No. DO-08-4055 License No. 3208

Dr. Schwartz was present with Counsel Michael Ryan. All questions posed by the Board were answered.

FIRST MOTION: Mr. Grossman moved for an **INVESTIGATIVE HEARING**. Dr. Steinway seconded for discussion. After further discussion Mr. Grossman withdrew his motion.

SECOND MOTION: Dr. Cunningham moved for **DISMISSAL**. Dr. Steingard seconded.

	Vote	Dr. Steinway	Mr. Grossman	Dr. Cunningham	Dr. England	Mr. Fiegen	Dr. Picardo	Dr. Steingard
YES	7	X	X	X	X	X	X	X
NO	0							
ABSTAIN	0							
ABSENT	0							

ROLL CALL VOTE: The motion passed 7-0.

S. Michael Seivert, D.O. Case No. DO-08-4065 License No. 2109

Dr. Seivert was present with Counsel Steve Myers.

MOTION: Dr. Steingard moved for **DISMISSAL**. Dr. Picardo seconded.

	Vote	Dr. Steinway	Mr. Grossman	Dr. Cunningham	Dr. England	Mr. Fiegen	Dr. Picardo	Dr. Steingard
YES	7	X	X	X	X	X	X	X
NO	0							
ABSTAIN	0							
ABSENT	0							

ROLL CALL VOTE: The motion passed 7-0.

T. Kit McCalla, D.O. Case No. DO-08-4082 License No. 3671

Dr. McCalla was present and answered all questions posed by the Board.

MOTION: Dr. Cunningham moved for **DISMISSAL**. Mr. Fiegen seconded.

	Vote	Dr. Steinway	Mr. Grossman	Dr. Cunningham	Dr. England	Mr. Fiegen	Dr. Picardo	Dr. Steingard
YES	7	X	X	X	X	X	X	X
NO	0							
ABSTAIN	0							
ABSENT	0							

ROLL CALL VOTE: The motion passed 7-0.

U. Nicholas Pazzi, D.O. Case No. DO-08-4088 License No. 1436

Attorney Robert Bohm appeared on behalf of Dr. Pazzi and answered all questions posed by the Board.

MOTION: Dr. Cunningham moved for **DISMISSAL**. Dr. Steingard seconded.

	Vote	Dr. Steinway	Mr. Grossman	Dr. Cunningham	Dr. England	Mr. Fiegen	Dr. Picardo	Dr. Steingard
YES	7	X	X	X	X	X	X	X
NO	0							
ABSTAIN	0							
ABSENT	0							

ROLL CALL VOTE: The motion passed 7-0.

At 10:00 a.m. the Board recessed.

At 10:10 a.m. the Board returned to open session.

V. Donald Middleton, D.O. Case No. DO-08-4106 License No. 2747

MOTION: Dr. Cunningham moved for an **INVESTIGATIVE HEARING**. Dr. Steingard seconded.

VOTE: The motion passed 7-0.

6. CONSIDERATION AND ACTION ON COMPLIANCE WITH TERMS OF BOARD ORDERS AND REQUESTS TO MODIFY OR TERMINATE ORDERS, PURSUANT TO A.R.S. §32-1855 (E) AND (I)

A. Jeremy Wray, D.O. Case No. 3947 License No. 3638

Dr. Wray was present and answered all questions posed by the Board. The case was **TABLED** to allow staff to obtain an agreement with Dr. Wray's employer that they would be agreeable to him working a structured 30 hour week.

B. Brent McKay, D.O. Case No. 3955 License No. 3941

Dr. McKay was present. Dr. McKay requested that his Probation Order be amended to allow him to work 40 hours per week and answered all questions posed by the Board.

MOTION: Dr. Picardo moved to **AMEND** the Probation Order to increase the number of hours that Dr. McKay shall engage in the practice of medicine to thirty (30) hours. In two months from the date of the amendment Dr. McKay may come before the Board to request a modification of this term. Dr. Cunningham seconded.

	Vote	Dr. Steinway	Mr. Grossman	Dr. Cunningham	Dr. England	Mr. Fiegen	Dr. Picardo	Dr. Steingard
YES	7	X	X	X	X	X	X	X
NO	0							
ABSTAIN	0							
ABSENT	0							

ROLL CALL VOTE: The motion passed 7-0.

7. REVIEW, DISCUSSION AND ACTION ON INVESTIGATIVE HEARINGS PURSUANT TO A.R.S. § 32-1855 (E) ONLY.

A. John Deuel, D.O. Case No. 3958 License No. 4459

Dr. Deuel was present and sworn in. Barbara Prah, D.O., Medical Consultant, summarized the case. Dr. Deuel answered all questions posed by the Board.

MOTION: Dr. Steingard moved for **DISMISSAL**. Dr. Cunningham seconded.

	Vote	Dr. Steinway	Mr. Grossman	Dr. Cunningham	Dr. England	Mr. Fiegen	Dr. Picardo	Dr. Steingard
YES	7	X	X	X	X	X	X	X
NO	0							
ABSTAIN	0							
ABSENT	0							

ROLL CALL VOTE: The motion passed 7-0.

B. Richard Bruce, D.O. Case No. 4021 License No. 1087

Dr. Bruce was present with Counsel Kraig Marton. Dr. Bruce was sworn in. The case was reviewed and after discussion the case was **TABLED**. Staff was directed to amend allegations to include A.R.S. § 32-1854: 6 and to notify Dr. Bruce in writing.

C. R. Leroy Goedecke, D.O. Case No. 4038 License No. 0643

Dr. Goedecke was present with Counsel Dan Cavett. The complainant was present. Dr.

Goedecke and the complainant were sworn in. The case was reviewed. Dr. Goedecke and the complainant answered all questions posed by the Board.

At 11:25 a.m. the Board went into Executive Session for legal advice.

At 11:34 the meeting returned to open session.

MOTION: Dr. Steingard moved for **DISMISSAL**. Dr. Cunningham seconded.

	Vote	Dr. Steinway	Mr. Grossman	Dr. Cunningham	Dr. England	Mr. Fiegen	Dr. Picardo	Dr. Steingard
YES	5		X	X	X		X	X
NO	2	X				X		
ABSTAIN	0							
ABSENT	0							

ROLL CALL VOTE: The motion passed 5-2.

D. James Lash, D.O.

Case No. 4014

License No. 2493

Dr. Lash was present and sworn in. Barbara Prah, D.O., medical consultant, summarized the case.

MOTION: Dr. Steingard moved for **DISMISSAL**. Dr. England seconded.

	Vote	Dr. Steinway	Mr. Grossman	Dr. Cunningham	Dr. England	Mr. Fiegen	Dr. Picardo	Dr. Steingard
YES	7	X	X	X	X	X	X	X
NO	0							
ABSTAIN	0							
ABSENT	0							

ROLL CALL VOTE: The motion passed 7-0.

At 12:15 p.m. the meeting recessed for lunch.

At 12:45 p.m. the meeting returned to open session.

E. Kenneth Stephan, D.O.

Case No. 4013

License No. 3908

Dr. Stephan was present and sworn in. Dr. Stephan answered all questions posed by the Board.

At 1:18 p.m. the Board went into Executive Session for legal advice.

At 1:24 p.m. the meeting returned to open session.

MOTION: Dr. England moved for a **DECREE OF CENSURE**, a thirty (30) day **SUSPENSION**, and a six (6) month **PROBATION** to complete thirty (30) hours of **CONTINUING MEDICAL EDUCATION** in the areas of ethics, risk management, HIPAA, and boundary issues. Mr. Grossman seconded.

	Vote	Dr. Steinway	Mr. Grossman	Dr. Cunningham	Dr. England	Mr. Fiegen	Dr. Picardo	Dr. Steingard
YES	7	X	X	X	X	X	X	X
NO	0							
ABSTAIN	0							
ABSENT	0							

ROLL CALL VOTE: The motion passed 7-0.

F. Dennis Watson, D.O. Case No. 4010 License No. 2645

Dr. Watson was present and sworn in. Dr. Watson answered all questions posed by the Board.

MOTION: Dr. Cunningham moved for a **LETTER OF CONCERN** pursuant to A.R.S. § 32-1854: 6 and 38 for inadequate documentation and inappropriate prescribing.

	Vote	Dr. Steinway	Mr. Grossman	Dr. Cunningham	Dr. England	Mr. Fiegen	Dr. Picardo	Dr. Steingard
YES	7	X	X	X	X	X	X	X
NO	0							
ABSTAIN	0							
ABSENT	0							

ROLL CALL VOTE: The motion passed 7-0.

G. Charles Knouse, D.O. Case No. 3821 License No. 3841

Dr. Knouse was present and sworn in. Dr. Knouse's wife, Jacki, was present on his behalf. Barbara Meyers, Deputy Director, summarized the case. Dr. Knouse answered all questions posed by the Board.

MOTION: Dr. Picardo moved for **DISMISSAL**. Dr. Steingard seconded.

	Vote	Dr. Steinway	Mr. Grossman	Dr. Cunningham	Dr. England	Mr. Fiegen	Dr. Picardo	Dr. Steingard
YES	4			X		X	X	X
NO	3	X	X		X			

ABSTAIN	0							
ABSENT	0							

ROLL CALL VOTE: The motion passed 4-3.

H. Richard Dexter, D.O. Case No. 3978 License No. 3441

Dr. Dexter was present and sworn in. Michael Baldwin appeared on Dr. Dexter's behalf. Barbara Meyers, Deputy Director, summarized the case. Dr. Dexter answered all questions posed by the Board.

MOTION: Dr. Steingard moved for a **DECREE OF CENSURE** pursuant to A.R.S. § 32-1854: 6, 21, and 28 for failure to maintain medical records and for failure to provide medical records to patients and/or their new physicians. Dr. England seconded.

	Vote	Dr. Steinway	Mr. Grossman	Dr. Cunningham	Dr. England	Mr. Fiegen	Dr. Picardo	Dr. Steingard
YES	7	X	X	X	X	X	X	X
NO	0		X					
ABSTAIN	0							
ABSENT	0							

ROLL CALL VOTE: The motion passed 7-0.

I. James I. Miller, D.O. Case No. 4045 License No. 3063

MOTION: Dr. Steingard moved for **ADMINISTRATIVE CLOSURE**. Mr. Grossman seconded.

	Vote	Dr. Steinway	Mr. Grossman	Dr. Cunningham	Dr. England	Mr. Fiegen	Dr. Picardo	Dr. Steingard
YES	7	X	X	X	X	X	X	X
NO	0							
ABSTAIN	0							
ABSENT	0							

ROLL CALL VOTE: The motion passed 7-0.

8. ANNUAL BUSINESS:

A. ELECTION OF OFFICERS PURSUANT TO A.R.S. § 32-1802(B):

1. President
2. Vice-President

MOTION: Mr. Fiegen nominated Dr. Steinway to continue as President and Mr. Grossman to continue

as Vice President. Dr. Picardo seconded.

	Vote	Dr. Steinway	Mr. Grossman	Dr. England	Mr. Fiegen	Dr. Picardo	Dr. Wedel	Dr. Steingard
YES	7	X	X	X	X	X	X	X
NO	0							
ABSTAIN	0							
ABSENT	0							

VOTE: Motion carried 7-0.

B. DISCUSSION AND ACTION ON ESTABLISHMENT OF FEES PURSUANT TO A.R.S. § 32-1826(A)

1. Application for licensure
2. Issuance of a license
3. Renewal of a License (biennial)
4. Locum Tenens Registration
5. Issuance of a Duplicate License
6. Annual Registration of an Approved Internship, Residency, Clinical Fellowship or Short-Term Residency Program
7. Teaching License
8. Five Day Educational Teaching Permit
9. Sale of (Paper) Directory
10. Sale of Mailing List or Directory on Computer Disks
11. Registration to Dispense Drugs and Devices

Action on fees was **TABLED** to allow staff to gather further information.

9. EXECUTIVE DIRECTOR REPORT:

1. Board Meeting Dates 2009

Board meeting dates as presented were **APPROVED**.

2. Confidential Rehabilitation Program-Substantive Policy Statement
3. Confidential Rehabilitation Program-Stipulated Agreement


MOTION: Mr. Grossman moved to **ACCEPT** The Substantive Policy Statement as presented including delegating authority to the Executive Director pursuant to A.R.S. 32-1804: 19 and 24 to enter into a stipulated agreement with a licensee for treatment, rehabilitation, and monitoring and to enter into a consent agreement with a licensee for practice restriction if there is evidence of danger to the public health and safety. Dr. England seconded.

VOTE: The motion passed unanimously.

10. ADJOURNMENT

The meeting adjourned at 3:40 p.m.

Dated this 13th day of January, 2009.

A handwritten signature in cursive script, reading "Elaine LeTarte". The signature is written in dark ink and is positioned above a horizontal line.

Elaine LeTarte, Executive Director